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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF ARTURO J.
GONZÁLEZ IN SUPPORT OF
DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S OPPOSITION
TO WAYMO'S MOTION TO
COMPEL PRODUCTION OF
WITHHELD DOCUMENTS**

Date: June 8, 2017
Time: 10:00 a.m.
Ctrm: F, 15th Floor
Judge: Hon. Jacqueline Scott Corley

Trial Date: October 2, 2017

1 I, Arturo J. González, declare as follows:

2 1. I am a partner with the law firm of Morrison & Foerster LLP. I am a Fellow with
3 the American College of Trial Lawyers and the International Academy of Trial Lawyers, and an
4 Associate with the American Board of Trial Advocates. I am a member in good standing of the
5 Bar of the State of California. I make this declaration based on personal knowledge and, if called
6 as a witness, I could and would testify competently to the matters set forth herein. I make this
7 declaration in support of Defendants Uber Technologies, Inc. and Ottomotto LLC's Opposition to
8 Waymo's Motion to Compel Production of Withheld Documents.

9 2. In discovery in this case, we have sought to obtain information regarding when
10 Google began communicating regarding possible litigation against Anthony Levandowski and/or
11 Uber. Counsel for Waymo has confirmed in writing in response to those requests, and in
12 response to an Order from this Court, that Google began communicating regarding a potential
13 legal claim against Mr. Levandowski on March 23, 2016, the month before the Joint Defense
14 Agreement was signed between Uber and Otto. A true and correct copy of this communication is
15 attached hereto as Exhibit A.

16 3. We have also learned that Google began communicating regarding potential
17 litigation against Uber on August 23, 2016. A true and correct copy of this communication is
18 attached hereto as Exhibit B.

19 4. To help make the point that the concerns of Uber and Otto about potential
20 litigation were both sincere and reasonable, we also asked Google's counsel in this case to
21 provide a privilege log of their pre-filing communications with Google. When they refused to do
22 so, we raised the issue with the Special Master, John Cooper. In a telephone call with the parties
23 on May 4, 2017, I explained to the Special Master that our filing in opposition to this motion was
24 due on Monday, and that the number and frequency of contacts between Google and its outside
25 counsel about the possibility of bringing this legal action was relevant to whether Uber and Otto
26 had a good faith basis for entering into a Joint Defense Agreement.

27 5. After hearing from both sides, the Special Master asked Google to provide Uber
28 with the date that it first communicated with the Quinn law firm about potential litigation against

1 Mr. Levandowski and Uber, and to give us the time period during which they had their next 10
2 communications.

3 5. On May 5, 2017, Quinn wrote an email declining to provide this information. I
4 promptly wrote back that same morning and asked Quinn if they would at least give us the date
5 that they first consulted with Google about potential litigation against Mr. Levandowski and
6 Uber, and Quinn did refused to provide the date that it first communicated with Google about
7 either Mr. Levandowski or Uber. A true and correct copy of this exchange is attached hereto as
8 Exhibit C.

9 6. Attached as Exhibit D is a true and correct copy of Waymo's Privilege Log dated
10 March 22, 2017.

11 7. Attached as Exhibit E is a true and correct copy of Waymo's Privilege Log dated
12 March 29, 2017.

13 8. Attached as Exhibit F is a true and correct copy of excerpts (pp. 1–2, 107–109) of
14 the transcript of the public portion of the preliminary injunction hearing held on May 3, 2017.

15 9. Attached as Exhibit G is a true and correct copy, with email addresses redacted, of
16 excerpts (entries 1604-06) of Defendants' Amended Privilege Log associated with their March
17 31, 2017 Production of Documents. This Amended Privilege Log was served by Defendants on
18 April 27, 2017.

19
20 I declare under the penalty of perjury under the laws of the United States that the
21 foregoing is true and correct. Executed this 8th day of May, 2017, in San Francisco, California.

22
23 /s/ Arturo J. González

24 ARTURO J. GONZÁLEZ
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